

**COMMITTEE ON EQUAL OPPORTUNITIES**  
**MINUTES**  
**June 26, 2002**

The Committee on Equal Opportunities met June 26, 2002, at 9 a.m. ET at the offices of the Council on Postsecondary Education. Members present: Mr. Baker, Mr. Cunningham, Mr. Graham, Ms. Helm, Ms. Prather, Mr. Thomas, Ms. Watts, Mr. Welch, and Ms. Weinberg. Members absent: Mr. Robinson and Mr. Wilson both had previous engagements. Mr. Barger chaired the meeting.

The minutes of the April 15, 2002, meeting were approved with the following amendment: Page 5 of the agenda book, paragraph two, third line from the bottom, "special workshops are conducted by African American Student Services" should read "special workshops are conducted by the Office of Equal Opportunity."

**Process for Granting A Waiver and Template for Waiver Materials Submission:**

The subcommittee recommended that the CEO approve its report and adopt the proposed template for submission of requests for a waiver. Ms. Helm thanked the members of the subcommittee for their assistance and then discussed the proposed template for a qualitative waiver. Requests for a qualitative waiver should:

1. Identify the objectives on which the institution failed to make progress.
2. Identify the specific actions the institution took to meet the objectives identified in #1.
3. Discuss whether the institution implemented new strategies when the approaches (listed in item #2) were unsuccessful.
4. Describe the new strategies the institution plans to implement to meet the failed objectives (identified in #1).
5. Identify and discuss the "best practices" used for those objectives in which the institution made continuous progress.
6. Identify the new academic programs the institution will implement if a waiver is granted.
7. Describe how the new academic programs (identified in #6) will assist the institution in meeting its objectives.
8. Identify the objectives not achieved when the institution was last granted a waiver.
9. Discuss the new strategies what were offered when the institution was granted the waiver (identified in #8) and whether or not they were successful.
10. Identify the strategies from #8 that were not implemented. Discuss why.

The committee also adopted a number of strategies to improve the implementation of the Kentucky Plan.

- The CEO may have a study session on the Sunday afternoon prior to a regular meeting.
- The CEO will consider the institutional performance and the recommendations from campus visits.

- Requesting institutions will be asked to provide specific actions, timelines, and outcome measures rather than general information on each of the 10 items listed in 13 KAR 2:060.
- The CEO may choose to act or defer action until another meeting.
- A condition of granting a waiver should be that institutions receiving the qualitative waiver submit a status report on strategy implementation six months after the granting of a waiver.
- The CPE should establish terms of appointment for members of the CEO.

A motion was made and seconded that the recommendations be adopted. The motion passed.

In other discussion, Ms. Prather suggested that a recommendation regarding CEO term limits be submitted to the committee for action. The CEO action would be submitted to the Council on Postsecondary Education.

Ms. Watts suggested that the history of the committee and its representation be examined so the historical essence will be maintained.

Mr. Welch asked if there was a legal basis to limit the number of programs that institutions may implement under a waiver. Ms. Helm said that following the advice and discussion with the CPE legal counsel, it appears that the CEO may ask the institutions to identify the programs they plan to implement but should not attempt to limit the number of programs implemented.

### **Reports of Institutional EEO Representatives:**

**Eastern Kentucky University**, Virginia Underwood and Sandra Moore: The provost and the administrative council have received diversity training. The diversity trainer also provided training for the University Diversity Committee, which is responsible for diversity training on campus. The training program will begin fall 2002. Some new faculty may receive training during the summer.

EKU participated in the second annual Governor's Minority Student College Preparation Program. Eastern's program is called "It Takes a Village to Raise a Child." Students, parents, and staff members from Eastern attended the program at MuSU. The third annual conference of GMSCPP will be held at ECU in June 2003. ECU also participated in the annual Academically Proficient African American High School Junior and Senior Conference hosted by NKU.

Ms. Weinberg asked if incorporating the Office of Multicultural Student Services into the university's Enrollment Management Office aids in enrollment and retention. Ms. Moore responded that additional changes and transitions have been made on campus including her new position as special assistant to the provost for university diversity. Multicultural Student Services will be incorporated within that area.

**Kentucky Community and Technical College System**, Candace Gosnell: Significant progress has been made with faculty, campus culture, and communities. Faculty: The KCTCS conducted a faculty conference in May that focused on diversity and retention. Culture on the campus: Videos were purchased to use on the campuses – what makes African Americans feel comfortable and how is that culture promoted. The college presidents also are involved because

they set the tone for the campus. Community: Thanks to a CPE grant, eight of the colleges have been working with community organizations directly to both recruit students and to work with faculty.

Mr. Thomas suggested that the KCTCS and other institutions share information about their successes attracting African American faculty and students to their campuses.

**Kentucky State University**, Paul Bibbins and Karen Powell: Dr. Bibbins stated that as interim president at KSU he looks forward to working with the CEO.

Ms. Powell said that with the appointment of Dr. Bibbins as interim president, KSU will be re-examining its relationship with the CEO and will make sure that all requested information is delivered in a timely manner. The makeup of the campus environment team will be examined so it accurately reflects the campus community. The possibility of staggering members' terms as opposed to one-year appointments also will be examined. Also, adding a segment on diversity and tolerance in student orientation is being discussed.

**Morehead State University**, Virginia Waggoner (representing Francene Botts-Butler): Effective July 1, MoSU employed Madonna Weathers as its vice president of student life. Also effective July 1, Ms. Waggoner will be the university's affirmative action coordinator and will assist Ms. Botts-Butler. Two of MoSU's African American alumni, Denise White and Jeff Stone, were recently elected to the Alumni Board of Directors.

In June, MoSU's Kentucky Folk Art Center hosted the "Freedom Trek III" exhibition. MoSU also hosted the Minority Teacher Education Program (MTEP) in June 2002. Approximately 35 students attended. To strengthen the MTEP program, it has been placed under the direction of the College of Education.

MoSU is hosting several other educational and sports camps including Upward Bound, Upward Bound II, the Upward Bound Math & Sciences, the National Youth Sports Program, and will have other sports and band camps throughout the summer. African American students work as support staff for these events. The number of African American students attending these events has increased, especially in the Upward Bound programs.

The Multicultural Student Services Center had increased participation in tutoring services and computer usage during spring 2002. The Black Student Coalition hosted several activities including lectures, a talent night, and a fundraiser during Black Awareness Week. A former Lady Eagle basketball player, Marchisa Brazeley, received the Outstanding Graduate Student Award for her academic success in the Department of Health, Physical Education & Support Sciences.

**Murray State University**, Don Robertson (representing Annazette Fields): MuSU is developing a new strategic plan.

MuSU has added three new African American faculty for the fall semester. There also is an emphasis on hiring MuSU's African American undergraduates or encouraging them to continue

their education in the MuSU graduate school. The Office of Student Affairs met with every African American undergraduate that graduated to discuss graduate school opportunities including special resources to support Kentucky resident African Americans attending graduate school. Assistantships for Kentucky resident African American graduate assistants increased by 13 since 2001.

MuSU hosted the Governor's Minority Student College Preparation Program June 12 and 13. There were 185 students, staff, and parents in attendance. On July 7, MuSU will host a group of Whitney Young Scholars on campus. African American freshmen are invited to "Project Success" (a retreat) to prepare them to be successful at Murray State University. This complements the "Great Beginnings" program that serves all incoming new students. The FY 2003 budget for African American retention scholarships was increased. To date, enrollment of African American students in summer school has increased 11 percent.

Ms. Weinberg asked about opportunities for those students to be counseled in terms of academic programs at the university. Mr. Robertson replied that through the African American Student Services Office, the Counseling Center, and the Office of Student Affairs, these students are identified and counseled on possible majors and academic programs. This is for new and returning students.

**Northern Kentucky University**, Teresa Halcomb (representing Cheryl Nunez): The Campus Climate Task Force held its end-of-the-year retreat May 22 and developed a list of recommendations for improving the campus climate. The list will be shared with the president for consideration and implementation.

The African American student enrollment is showing a positive trend. In Fall 2001, the final enrollment figure for Kentucky resident African American students was 3.6 percent. Admissions for fall 2002 is 3.8 percent (a total of 285 students), the university has eight more weeks of registration. The National Youth Sports Program and the Upward Bound programs were heavily attended. It is hoped that these opportunities will allow students to have a positive experience on campus and increase their interest in coming to NKU.

**University of Kentucky**, Nancy Ray: Ms. Ray requested that at a future meeting UK be allowed to report on the Institute on Improving Teaching. The university's annual report is distributed campuswide and includes articles about many universitywide activities. An inclusive learning community group focusing primarily on improving the environment at the university prepared the report.

Ms. Prather asked if UK has internally responded to the recent newspaper articles about the lack of ethnic minorities as researchers in the Bucks for Brains program. Ms. Ray replied that the University of Kentucky does have a minority faculty member in the Bucks for Brains program and that President Todd has established a number of summer fellowships for undergraduates to work with some senior faculty during the summer to encourage them to pursue graduate degrees.

**University of Louisville**, Shirley Willihganz: UofL has reorganized and refocused its diversity efforts. The position of vice provost for diversity and equal opportunity has been created. In

addition to \$500,000 in the existing program, \$500,000 in new money has been allocated to support diversity efforts on campus. Dr. Alvin Herring, who has national experience as a diversity trainer, has been hired as executive director of the counseling, career services, and diversity programs. An Office of Multicultural Academic Enrichment Programs (formerly the Office for Minority Affairs) has been created and charged with improving retention and graduation rates for students of color. The multicultural center has been reorganized with emphasis on its mission of building community, fostering cross-cultural interactions, and working with multicultural student organizations to develop student leadership.

A Black Faculty and Staff Association has been established to create networking opportunities and to serve as a collective voice to address issues affecting African Americans on campus. An African American faculty advisory group has been created. This group reports directly to the acting president to keep her informed of issues to be addressed proactively on the campus.

UofL has reemphasized its commitment to equality and opened lines of communication. A discriminatory harassment policy will be implemented by fall 2002. A commitment to diversity and zero tolerance to acts of intolerance is incorporated into orientations for all new students, faculty, and staff. The provost sent a letter to the university community stating that racial harassment will not be tolerated. The university has acted aggressively to counter racial incidents. A communication protocol has been established to inform members of the university community when incidents occur and how these matters are handled. A rapid response crisis response team made up of African American leaders on campus as well as key members of the administrative team has been formed. The acting president hosts monthly student diversity forums to discuss students' concerns and hear suggestions to improve campus climate. The president and provost hold luncheons for faculty of color to air concerns.

An advisory committee is being established to help the Department of Public Safety build positive relationships with the university community. Appropriate sanctions have been leveled against those who act intolerantly. Following September 11, 2001, to make sure that the international students feel safe and included on the campus, the counseling center kept extended hours and notices were sent to all international students telling them what to do if they thought they were being harassed or discriminated against in any way. Safe places were identified on the campus. A universitywide unity service was held and the president sent a message to the university community calling for tolerance.

The university strategic plan incorporates issues of diversity and race. A task force has completed a diversity plan. The plan has been forwarded to administrators for response and implementation. The plan asks every unit on campus to develop a specific diversity plan with specific goals. Units will be held accountable for achieving those goals. Also, a comprehensive diversity audit has been completed. Audit data will be used to track university progress in achieving key objectives such as number of students, faculty and staff of color, and graduation rates of minorities. Department heads will be held accountable for annual updates and must provide justification for not meeting diversity goals.

The university will be working with donors and legislators to fund endowed chairs and research relevant to the African American community. Two potential Bucks for Brains positions that will

be filled by African Americans have been targeted. An \$8 million fundraising campaign that is specifically charged with finding funds to bring in qualified African American researchers has begun.

UofL is partnering with the Louisville Urban League and Lincoln Foundation on the State of American Youth Project. Reclaiming Our Children is a community-based program designed to provide mentoring and summer employment for at-risk youths from the west end of Louisville. The university will employ several of the teenagers this summer. The partnership with Urban Development in the city has been strengthened. UofL has sponsored a number of programs that emphasize and support diversity. Specific diversity programs include a Nubian Festival sponsored by the Multicultural Center to welcome African American students; a diversity cookout sponsored by the Commission on Diversity and Racial Equality to welcome students, faculty, and staff of color; and a reception sponsored by the commission on the status of women to welcome new women, faculty, and staff.

Mr. Welch asked about the nature of appropriate sanctions being imposed on those in violation of policies. Ms. Willihganz replied that every incident reported is on the Web page. As it is resolved, the resolution also is published. Names and specifics are not frequently listed.

**Western Kentucky University, C. J. Woods:** A very successful diversity leadership conference was held April 12. WKU presented its second annual president's diversity awards. The Black Greeks gave a \$7,000 contribution to the WKU Foundation. This endowment is now over \$30,000. The interest earnings from the endowment is used to award scholarships to African American students. The diversity committee made recommendations to the president of nominations of individuals to replace three members that will rotate off the Campus Environment Team. Representatives from WKU attended the Governor's Minority Student College Preparation Program at Murray.

### **Administrative Staffing Patterns at the Council on Postsecondary Education and The Kentucky Community and Technical College System:**

The committee asked for an analysis of the representation of African Americans on the CPE and KCTCS administrative staffs.

Council on Postsecondary Education -- Among the executive staff, there is one African American or 7.14 percent. Among the professionals, there are two or 9.52 percent. Under the technical and paraprofessional category, one or 5.26 percent, and among the secretarial/clerk staff there are two or 13.33 percent. The council has a total of 70 employees -- six African Americans, 62 whites, and two other ethnic minorities.

KCTCS -- Staffing represents only those individuals located at the administrative office in Lexington. The presidents of the technical and the community colleges are not included as staff of the KCTCS system office but rather are included as part of the staff identified for each of the technical or community colleges. Among the executive staff at the KCTCS, two are African Americans or 3.8 percent. There is one African American among the professional staff or 1.5 percent. There are none among the technical and paraprofessional staff, and four African

Americans among the secretarial and clerical staff for a total 8.9 percent. The KCTCS administrative office has a total staff of 170 -- seven African Americans and 163 whites.

### **Status Report: UofL Teacher Education Program:**

The report was presented by Mr. John Welch, associate professor in the college of education at UofL and soon to be acting dean of the college of education, and Ms. LoHelen Hambrick, director of the minority teacher recruitment project. [Handouts were distributed to the committee.]

A report was given on the teacher education program, including discussion of the urgency of better and more focused efforts on diversity and affirmative action. The data shows that a tremendous trend of downgrading took place five years ago when the university went from a four-year to a five-year teacher education program. Efforts are being made to make sure the transition is smooth from Jefferson Community College to UofL. Several JCC students are enrolled in the Teacher Bridge Program (a program for African American students) this summer. This program assists students into UofL's four-year program once the JCC program is finished. Students also are coming from Elizabethtown Community College.

In the 2001-02 school year, 86 students were served -- 59 were on scholarship; 27 were not on scholarship but are in the teacher education track and are part of the program. This fall there will be a total of 123 African American students. This is over a 40 percent increase.

Ms. Weinberg asked if scholarships are available as incentives to the Pathway students. Ms. Hambrick replied that through the MTRP program a \$5,000 per year scholarship is available for all minority students going for the initial teacher certification. Students must maintain a 2.5 GPA and carry 12 undergraduate hours or 9 graduate hours. Funds are provided through the fifth year for those entering for the master's program. The College of Education also provides the MTRP program with additional scholarship monies to help part-time students.

Ms. Prather suggested that the UofL report be used as a template for the other universities to present information to the CEO once a year regarding their teacher education program. She also requested that one additional chart be added showing figures related to African Americans going into graduate work in education, specifically in administration and supervision.

### **Status Report: KSU Teacher Education Program:**

The report was presented by Dr. Ken Eke, vice president for academic affairs; Dr. Paul Bibbins, interim president; Dr. George Calhoun, dean of the college of professional studies; and Dr. Paul Woods, chairman of the division of education and human services.

KSU officials gave a report on the status of the teacher education program. Since May 13, an ETS representative has conducted an intensive three-day workshop on PRAXIS that attracted 53 current and former students. Twenty-one Arts & Sciences faculty and College of Education faculty also participated. The workshop also included a train-the-trainer session. A PRAXIS review Web site has been developed to provide resource information.

KSU hosted a board of examiners team, dispatched by the Education Professional Standards Board, to review the elementary education and physical education programs. The EPSB shared a draft report with KSU on June 14 and requested that the university submit a response by August 9. The EPSB will act on the report at its September meeting. KSU has established a task force, made up of arts & sciences and education faculty, to prepare the response to the EPSB report.

In fall 2001, 32 students took the PRAXIS in different parts of the nation. Of the 32 who took the PRAXIS, 10 have received reports from ETS indicating that they have passed the exam. The reports for the remaining 22 are incomplete. Fourteen of the 32 students were elementary education majors. The ETS does not count students or share results in areas where the university has fewer than 10 test takers. Of the 14 elementary education majors, seven were among those who passed the test, giving KSU a pass rate of 50 percent. Of the seven elementary education majors who passed, six are program completers. In spring 2002, 37 people took the test. KSU received information from ETS that 26 students passed the exam. This is a pass rate of 70 percent for the spring. Sixteen of the 37 students are elementary education majors. The other areas had fewer than 10 test takers and could not be reported by ETS. Of the 26 students who passed the exam, 12 were elementary education majors giving the program a 75 percent pass rate. However, one of the 12 elementary education majors who passed the exam is not yet a program completer. When compared to the total number of elementary education majors that took the test, KSU has a pass rate of 69 percent.

#### **Status Report: Sixth Circuit Decisions – University of Michigan Admissions Policy:**

Dennis Taulbee, CPE general counsel, reported that two Michigan cases are moving through the court system simultaneously -- Gratz v. Bolinger and Grutter v. Bolinger. Bolinger is the former president of the University of Michigan. Gratz v. Bolinger deals with undergraduate admissions policies. Grutter v. Bolinger deals with law school admissions policies. Both have been through the district court and Grutter just recently has gone through the Sixth Circuit Court of Appeals. These cases deal directly with the question of whether or not diversity is a basis for dealing with race issues in admissions policies at universities.

In Grutter v. Bolinger at the Sixth Circuit Court of Appeals level, the court ruled that diversity is a legitimate basis for using race conscious policies in admissions. There are two parts: 1) is diversity a compelling state interest that can pass strict scrutiny? and 2) is it narrowly tailored? In both cases the court, going back to Bakke, said that, first, it is a compelling state interest to have diversity in the classroom and a law school. Secondly, the University of Michigan narrowly tailored and passed the test that is laid out in Bakke. The Sixth Circuit has not decided the second case. The Sixth Circuit was divided in the Grutter case. There is another case in the state of Washington called Smith v. the University of Washington Law School. The Ninth Circuit ruled similar to the Sixth Circuit in Grutter that diversity is a legitimate basis when using race conscious admissions.

It is unclear if the Supreme Court will consider the Grutter case. The court did not take up the University of Washington case. It was allowed to stand as an indication that the court is sympathetic to the ruling but they also did not take up Podbresky or Hopwood, which had other



results. Both the dissenting judges and the majority opinion were Kentucky judges on the Sixth Circuit.

Ms. Prather asked Mr. Taulbee to define “narrowly tailored” in layman’s terms. Mr. Taulbee replied that the courts have been torn over this issue of whether or not a remedy is really tailored to fit the problem that it is designed to solve. In other words, one can come to a conclusion that there was past discrimination that needs to be remedied. Then, if the remedy goes too far and does not specifically address the problem that created the need, it is not considered to be narrowly tailored. The look to see if alternative resolutions that are race neutral were considered and at and how narrow the remedy is.

Ms. Ray (UK) believes that if the OCR declares Kentucky as satisfactorily overcoming the effects of past discrimination, an underlying justification for continuing to operate in a certain way would have be identified.

Mr. Taulbee added that Kentucky faces the prospect of the U.S. Department of Education saying Kentucky is in compliance, which means that the committee must decide where to go from here and what the basis for a new plan should be. That basis can be diversity. Kentucky no longer will be able to say that it is overcoming the effects of past discrimination in a legal way. The committee needs to be very deliberate about how to move forward assuming that the U.S. Department of Education does declare Kentucky in compliance.

### **Partnership and Kentucky Plan Spring and Summer Activities:**

Ms. Rana Johnson of the council staff gave a summary. NKU hosted the 15<sup>th</sup> annual Academically Proficient African American High School Junior and Senior Conference June 14 and 15. Approximately 150 students and their parents attended. A college fair was held at the end of the conference. The 2<sup>nd</sup> annual Governor’s Minority Student College Preparation Program Summer Conference, including a mini college fair, was held at MuSU June 12 and 13. Approximately 185 students, staff, and parents attended. ECU agreed to host the 3<sup>rd</sup> annual conference in summer 2003.

The EPSB and the CPE will sponsor a one-day workshop focusing on Title II best practices and the PRAXIS fairness issues June 28 at the Georgetown College Conference Center. Institutions from across the Commonwealth are expected to participate.

Ph.D. candidates have been selected to participate in the Southern Regional Education Board Compact for Faculty Diversity Program. Students will be awarded the SREB scholarships beginning fall 2002. Two five-year scholars and three dissertation year fellowships will be given to students at UK, and one five-year scholar will receive an award from UofL.

### **Other Business:**

KSU interim president Dr. Paul Bibbins asked about the commitments of the partnership agreement regarding enhancement of KSU, particularly the renovation of Young Hall and Hathaway Hall.

Mr. Jackson noted that the council included these projects in its budget recommendation for 2002-04; the highest priority for capital construction agency bond authority was KSU's Young Hall dormitory renovation. The only postsecondary education capital project requested for funding from state appropriation was for Hathaway Hall. These items are in limbo until the legislature reconvenes and a budget is enacted.

### **Report on Campus Environment Teams:**

Mr. Robertson, Murray State University, reported that the campus environment team is being restructured. President Alexander is working with various campus groups in developing and putting in place for the fall a presidential blue ribbon task force to deal with the campus and community environment. The membership will be broadbased including some members from the current task force as well as new members from across the campus community.

Mr. Welch was concerned that KSU does not have a student member. Ms. Powell replied that would be reviewed.

Mr. Barger asked that the CEO be informed by the institutions whenever a change is made to the CETs.

Sandra Moore reported that the Kentucky Association of Blacks in Higher Education had a very successful conference at NKU in April. During the conference, the association officially approved having representation on the CEO. Two NKU students were presented scholarships of \$500 cash awards each. The Wendell Thomas Award, the most prestigious award of the association, went to Ralph Fitzpatrick. Two President's Awards were presented. "The President's Award in recognition of your outstanding devotion and services to the Kentucky Association of Blacks in Higher Education" was presented to Rhonda Webb of NKU. The second award was presented to Wendell Thomas at the CEO meeting. The 20<sup>th</sup> annual conference of the association will be held in Louisville, Kentucky, April 16-18, 2003. The co-hosts of the conference are the CPE, Jefferson Community College, and UofL. KSU offered to assist with the conference as well.

Ms. Helm suggested and Mr. Thomas concurred that the CEO needs to be involved with the Bucks for Brains. Ms. Watts suggested that this be formally put on the agenda and reviewed.

The next CEO meeting will be August 19 if the committee deems it appropriate.